

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

GARY PAULLIN, )  
                    )  
Plaintiff,       )  
                    )  
v.                  ) CIVIL ACTION NO.  
                    )  
CITY OF LOXLEY, ALABAMA, et al., ) 04-0324-BH-L  
                    )  
Defendants.       )

**ORDER**

Pursuant to the Mandate (Doc. 65) issued this day by the Eleventh Circuit Court of Appeals, it is **ORDERED** that the motion (Doc. 36) for summary judgment filed by Defendant Kerry Mitchum be and is hereby **GRANTED** and that final **JUDGMENT** be entered in favor of this defendant and against the plaintiff, Gary Paullin.

In view of the above, it is **FURTHER ORDERED** that, pursuant to this Court's Order of April 7, 2005 (Doc. 54) and conclusion that no further delay is now warranted, **JUDGMENT** be entered in favor of the City of Loxley and Clifford Yetter, its Chief of Police, and against the plaintiff, Gary Paullin, the plaintiff to have and recover nothing of these defendants. No costs are to be taxed.

There remains pending in this action claims against Michael Farver, which were stayed on August 23, 2004 (Doc. 16) because Farver is presently serving in the military and stationed in Germany. The plaintiff shall advise this Court in writing **on or before**

**August 1, 2006**, whether he desires to continue to pursue his claims against Michael Farver.

**DONE** this 20th day of July, 2006.

s/ W. B. Hand  
SENIOR DISTRICT JUDGE